

ESTTA Tracking number: **ESTTA477016**

Filing date: **06/08/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Doro AB
Granted to Date of previous extension	06/10/2012
Address	Magistratsvagen 10 Lund, DE-22643 SWEDEN

Attorney information	Mark S. Sparschu Brooks Kushman P.C. 1000 Town Center, 22nd Floor Southfield, MI 48075-1238 UNITED STATES ejbrooks@brookskushman.com, msparschu@brookskushman.com, mcrandall@brookskushman.com, lsavage@brookskushman.com
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Applicant Information

Application No	85374718	Publication date	12/13/2011
Opposition Filing Date	06/08/2012	Opposition Period Ends	06/10/2012
Applicant	Crestlink Holdings Limited Block 1, #53/A Liberte 833 Lai Chi Kok Road Hong Kong, HONG KONG		

Goods/Services Affected by Opposition


Class 009. All goods and services in the class are opposed, namely: Protective cases and carrying cases for portable electronic listening devices and music players, namely, MP3 players, and for portable computers, global positioning systems (GPS devices), mobile and cellular telephones, portable media players, and personal digital assistants
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3808996	Application Date	10/14/2008
Registration Date	06/29/2010	Foreign Priority	05/14/2008

		Date	
Word Mark	DORO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use:</p> <p>Apparatus for recording, transmission or reproduction of sound or images or data; telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; telephones; cellular phones; mp3 players; radio receiving sets and -transmitters; radios incorporating alarm clocks; walkie-talkies; audio amplifiers; audio speakers; cameras and camcorders; facsimile and telecopier machines and modems; microphones; remote controllers for cellular telephones; adapters for connection of telephone apparatus onto hearing aids; wireless communication devices, namely, telephones, hand held units, headsets, loudspeakers; microphone and headphones; portable and hand-held digital electronic apparatus for recording, organising, transmission, manipulating and inspection of text, data, and sound files; computer software for mobile telephones; electronic hand-held outfits for wireless receiving, storage and/or transmission of data and messages; computer software to control and improve computer and audio equipment sound quality; computer software for use in connection with organising, transmission, manipulating and inspection of text, data, and sound files on portable and handheld digital electronic devices; computer software programmes for the redirecting of messages, e-mail over the Internet and/or others networks; computer games software; instructional users' manuals in electronic readable, machine readable or computing readable form sold as a unit with all the aforesaid goods; mobile telephone accessories, namely, antennas, audio adapters, batteries, battery chargers, carrying cases for mobile phones, cell phone covers, clips; desktop stands and holders for mobile telephones; devices for hands-free use of mobile telephones; earphones; keyboards; memory cards; microphones; power supplies; radio transmitters; software to control and improve audio equipment sound quality; sound amplifiers; audio electronic components, namely, surround sound systems; digital signal processors; digital and voice communications networks and components, namely, modems, multiplexers, processors, converters and switches; computers and computer systems, namely, hardware and software in the field of electronic data processing; communication apparatus, namely, radio receivers, radio transmitters, combination radio receivers and transmitters; navigation apparatus for vehicles in the nature of on-board computers</p> <p>Class 010. First use:</p> <p>Hearing aids; cordless transmission apparatus for the hearing impaired, namely, amplified and hearing aid compatible devices for communications or multimedia listening; parts and replacement parts for hearing aids and cordless transmission apparatus for the hearing impaired</p> <p>Class 014. First use:</p>		

Watches; alarm clocks; horological and chronometric instruments			
U.S. Registration No.	3892628	Application Date	06/02/2009
Registration Date	12/21/2010	Foreign Priority Date	05/28/2009
Word Mark	DORO		
Design Mark			
Description of Mark	The mark consists of the word "DORO" to the left of an incomplete circle with a shaded circle in the middle. The wording and design all appear in the color black.		
Goods/Services	<p>Class 009. First use:</p> <p>Apparatus for recording, transmission and reproduction of sounds or images; data processing equipment and computers; blank magnetic and optic carriers of sounds, images or data; Pre-recorded magnetic and optic carriers of sound, images or data, featuring music or user instructions; apparatus and instruments for telecommunication, namely, telephones, handsets, headsets, speakers, microphones, earphones, transmitters, exchangers and towers; apparatus for recording, transmission or reproduction of sounds, images and data, namely, telephone switchboards, MP3 players, radio receivers and transmitters, walkie talkies, audio amplifiers; audio speakers, photography cameras and video cameras, facsimile machines and modems; microphones; headphones; remote power controllers; portable battery charge devices for outdoor use; adapters for connection of telephone apparatus into hearing aids; wireless communication devices, namely, telephones, telephone receivers, hand held digital electronic devices for recording and transmitting data files, headsets with microphone for use with computers, headsets with microphone for use with telephones, loudspeakers; software for mobile telephones; electronic hand-held digital devices for wireless receiving, storage or transmission of data and messages; electronic personal organizers, namely, electronic devices for allowing users to keep track or manage personal manage personal information; [bags specifically adapted for holding or carrying mobile radio telephones, computers and portable computers;] replacement parts and testing apparatus for all the aforementioned goods; instructional users' manuals in electronic, machine or computing readable form sold as a unit with all the aforesaid goods</p> <p>Class 010. First use:</p> <p>Apparatus and instruments for audiology technology, namely, electric hearing aids, hearing amplifiers, electrically operated hearing aids, wireless transmitters and receivers for use with hearing aids for hearing impaired and parts and components thereof</p> <p>Class 014. First use:</p> <p>Watches and chronometric instruments; parts of clocks</p> <p>Class 038. First use:</p> <p>Telecommunication services, namely, transmission services of television and radio by cable and satellite; wireless mobile telephone services; audio, image and data digital transmission services; electronic mail services; rental and</p>		

	<p>leasing of telecommunications apparatus and of electronic mail boxes; providing of wireless transmission services, namely, downloading of voice, music, MP3s, graphics, games, video images, information and news via global communications network into a wireless mobile communication device; electronic transmission and receiving of voice and text messages between wireless mobile communications devices; Internet services, namely, transmission of streaming sound and audio visual recordings via Internet</p> <p>Class 042. First use:</p> <p>Scientific and technological services and research and design in the field of computer software; design and development of computer hardware and software; consultation regarding information technology; computer system analysis for construction, maintenance and testing of computer software, research regarding development of telecommunication devices, computer hardware and computer software, engineering services regarding telecommunication; leasing of computer software; research and development regarding new products</p>
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Attachments	<p>77592290#TMSN.jpeg (1 page)(bytes)</p> <p>79070469#TMSN.jpeg (1 page)(bytes)</p> <p>Notice of Opposition.pdf (10 pages)(833999 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/molly crandall/
Name	MOLLY MACK CRANDALL
Date	06/08/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application

Serial No.: 85/374,718

Filed: July 19, 2011

Trademark: **DROO**

Atty. Docket No.: AJG 0143 OC

Published in the Official Gazette on December 13, 2011

Doro AB,)	
)	
Opposer,)	
)	
v.)	
)	
Crestlink Holdings Limited,)	Opposition No. _____
)	
Applicant.)	

NOTICE OF OPPOSITION

BOX TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

Opposer, Doro AB ("Doro"), a public limited company (plc) organized under the laws of Sweden, with a principal place of business at Magistratsvagen 10 Lund Sweden SE-226-43, believes that it would be damaged by the registration of the mark DROO shown in U.S. Trademark Application Serial No. 85/374,718, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. The Applicant Crestlink Holdings Limited is seeking to register the mark DROO for “Protective cases and carrying cases for portable electronic listening devices and music players, namely, MP3 players, and for portable computers, global positioning systems (GPS devices), mobile and cellular telephones, portable media players, and personal digital assistants,” in Class 9, as evidenced by the publication of the mark in the *Official Gazette* December 13, 2011. This application was filed on July 19, 2011 based on “intent-to-use” and was assigned U.S. Serial No. 85/374,718.

2. The Opposer Doro is the owner of U.S. Trademark Registration No. 3,808,996 for the mark DORO in connection with the below goods. This registration issued June 29, 2010, and is valid and subsisting, uncanceled and unrevoked.

Class 9:

Apparatus for recording, transmission or reproduction of sound or images or data; telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; telephones; cellular phones; mp3 players; radio receiving sets and -transmitters; radios incorporating alarm clocks; walkie-talkies; audio amplifiers; audio speakers; cameras and camcorders; facsimile and telecopier machines and modems; microphones; remote controllers for cellular telephones; adapters for connection of telephone apparatus onto hearing aids; wireless communication devices, namely, telephones, hand held units, headsets, loudspeakers; microphone and headphones;

portable and hand-held digital electronic apparatus for recording, organising, transmission, manipulating and inspection of text, data, and sound files; computer software for mobile telephones; electronic hand-held outfits for wireless receiving, storage and/or transmission of data and messages; computer software to control and improve computer and audio equipment sound quality; computer software for use in connection with organising, transmission, manipulating and inspection of text, data, and sound files on portable and handheld digital electronic devices; computer software programmes for the redirecting of messages, e-mail over the Internet and/or others networks; computer games software; instructional users' manuals in electronic readable, machine readable or computing readable form sold as a unit with all the aforesaid goods; mobile telephone accessories, namely, antennas, audio adapters, batteries, battery chargers, carrying cases for mobile phones, cell phone covers, clips; desktop stands and holders for mobile telephones; devices for hands-free use of mobile telephones; earphones; keyboards; memory cards; microphones; power supplies; radio transmitters. software to control and improve audio equipment sound quality; sound amplifiers; audio electronic components, namely, surround sound systems; digital signal processors; digital and voice communications networks and components, namely, modems, multiplexers, processors, converters and switches; computers and computer systems, namely, hardware and software in the field of electronic data processing: communication apparatus, namely, radio receivers, radio transmitters, combination radio receivers

and transmitters; navigation apparatus for vehicles in the nature of on-board computers

Class 10:

Hearing aids; cordless transmission apparatus for the hearing impaired, namely, amplified and hearing aid compatible devices for communications or multimedia listening; parts and replacement parts for hearing aids and cordless transmission apparatus for the hearing impaired

Class 14:

Watches; alarm clocks; horological and chronometric instruments

3. The Opposer Doro is also the owner of U.S. Trademark Registration No. 3,892,628 for the mark DORO & Design in connection with the below goods and services. This registration issued December 21, 2010, and is valid and subsisting, uncanceled and unrevoked.

Class 9:

Apparatus for recording, transmission and reproduction of sounds or images; data processing equipment and computers; blank magnetic and optic carriers of sounds, images or data; Pre-recorded magnetic and optic carriers of sound, images or data, featuring music or user instructions; apparatus and instruments for telecommunication, namely, telephones, handsets, headsets, speakers, microphones, earphones, transmitters, exchangers and towers; apparatus for recording, transmission or reproduction of sounds, images and data, namely, telephone switchboards, MP3 players, radio receivers and transmitters, walkie

talkies, audio amplifiers; audio speakers, photography cameras and video cameras, facsimile machines and modems; microphones; headphones; remote power controllers; portable battery charge devices for outdoor use; adapters for connection of telephone apparatus into hearing aids; wireless communication devices, namely, telephones, telephone receivers, hand held digital electronic devices for recording and transmitting data files, headsets with microphone for use with computers, headsets with microphone for use with telephones, loudspeakers; software for mobile telephones; electronic hand-held digital devices for wireless receiving, storage or transmission of data and messages; electronic personal organizers, namely, electronic devices for allowing users to keep track or manage personal manage personal information; replacement parts and testing apparatus for all the aforementioned goods; instructional users' manuals in electronic, machine or computing readable form sold as a unit with all the aforesaid goods

Class 10:

Apparatus and instruments for audiology technology, namely, electric hearing aids, hearing amplifiers, electrically operated hearing aids, wireless transmitters and receivers for use with hearing aids for hearing impaired and parts and components thereof

Class 14:

Watches and chronometric instruments; parts of clocks

Class 38:

Telecommunication services, namely, transmission services of television and radio by cable and satellite; wireless mobile telephone services; audio, image and data digital transmission services; electronic mail services; rental and leasing of telecommunications apparatus and of electronic mail boxes; providing of wireless transmission services, namely, downloading of voice, music, MP3s, graphics, games, video images, information and news via global communications network into a wireless mobile communication device; electronic transmission and receiving of voice and text messages between wireless mobile communications devices; Internet services, namely, transmission of streaming sound and audio visual recordings via Internet

Class 42:

Scientific and technological services and research and design in the field of computer software; design and development of computer hardware and software; consultation regarding information technology; computer system analysis for construction, maintenance and testing of computer software, research regarding development of telecommunication devices, computer hardware and computer software, engineering services regarding telecommunication; leasing of computer software; research and development regarding new products

4. Doro's U.S. registrations referred to in paragraphs 1 and 2 are hereinafter collectively referred to as "Doro's Registrations," "Doro's Marks," and/or "Doro's Goods and Services."

5. Doro's Registrations constitute prima facie evidence of the validity of Doro's Marks and Doro's Registrations and of Doro's ownership of and exclusive right to use Doro's Marks in commerce, and provide constructive notice of Doro's rights.

6. Doro's Marks are strong and well-known in connection with telecommunications and transmission goods and services, including telephones, mobile phones, MP3 players, mobile telephone accessories, carrying cases, and related goods and services.

7. Doro has expended considerable effort and expense in promoting its mark DORO and the goods and services associated with this mark, with the result that the purchasing public has come to know and recognize the products of Doro by this mark. The Opposer Doro has valuable good will established in its DORO mark.

8. There is no issue as to priority. Applicant filed its application for the mark DROO after Doro obtained trademark rights in Doro's Marks. Also upon information and belief, Applicant has not yet commenced use of its DROO mark.

9. Doro has used the trademark DORO and variations thereof in the United States in connection with Doro's Goods and Services since at least as early as June 2010.

10. Upon information and belief, Applicant had constructive knowledge of Doro's trademark rights based on Doro's Registrations.

11. The goods identified by Applicant's DROO mark are closely related to, if not virtually identical to, the goods and services covered by Doro's Registrations and by Doro's use. The goods and services may be provided to the same consumers and/or travel in the same channels of trade.

12. Applicant's mark DROO is closely similar in appearance to Doro's Mark DORO. Both Applicant's mark and Doro's mark start with the letter D and end with the letter O, both marks are comprised of the same four letters, and both marks are four letters in length. The marks differ only in the very minor respect of the placement of the two middle letters.

13. Applicant's mark DROO so resembles Doro's previously-used and registered DORO and DORO & Design marks as to be likely, when used in connection with Applicant's goods, to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of the Applicant with the Opposer, or as to the origin, sponsorship or approval of the Applicant's goods by the Opposer, under Section 2(d) of the Lanham Act, as amended, 15 USC § 1052(d), all to the damage and detriment of Opposer Doro. Such use would cause confusion in the trade resulting in damage and injury to Opposer Doro.

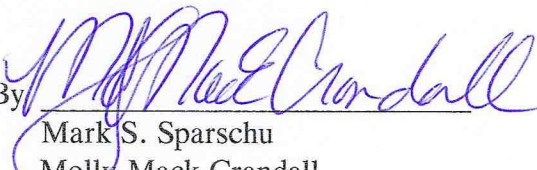
14. Applicant's mark DROO consists of matter which falsely suggests a connection with Doro under Section 2(a) of the Lanham Act, as amended, 15 USC §1052(a).

15. If the Applicant were granted the registration herein opposed, it would obtain at least a *prima facie* exclusive right to use of the DROO mark in connection with its goods. Such registration would be a source of injury and damage to the Opposer Doro.

16. For the foregoing reasons, Doro will be damaged by the registration of the mark DROO.

WHEREFORE, the Opposer Doro requests that registration of the mark DROO, application Serial No. 85/374,718, be rejected, denied, and refused, and that this opposition be sustained.

Respectfully submitted,

By 
Mark S. Sparschu
Molly Mack Crandall
Attorneys for Opposer

Date: June 8, 2012

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351

CERTIFICATE OF SERVICE

I certify that I served:

NOTICE OF OPPOSITION

on June 8, 2012 by:

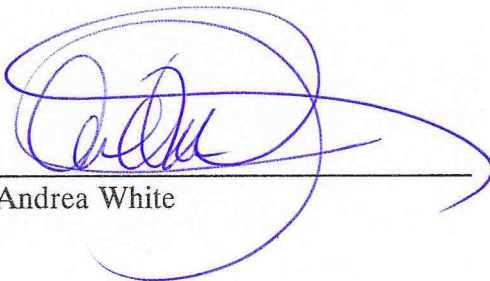
_____ delivering

X mailing (via first-class mail)

a copy to:

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Attorney for Applicant/Defendant



Andrea White